

*In re Benzaquen*

No. 16-12135-BKC-LMI

The Debtor and his wife deposited funds from the sale of their homestead property into a bank account that was opened by the wife two days before the husband was added to the account. When the Debtor filed bankruptcy, one of his creditors refused to release a writ of garnishment on the account and argued the account was not exempt property. The Court determined that the 2008 change to Fla. Stat. §655.79 did not modify the requirement that the six unities need to be met to create a tenancy by the entirety. Instead, the Court noted the 2008 change just codified the presumption stated in *Beal Bank*. Notwithstanding the timing issue, the Court held that the funds transferred into the Account were exempt funds which did not lose their status just because they were placed into an account that may not have qualified as a TBE account.